

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Crim. No. 12-553 (WJM)
vs. : Hon. Madeline Cox Arleo
EDWARD M. DE SEAR : DETENTION ORDER

This matter having been opened to the Court on motion of the United States, by Paul J. Fishman, United States Attorney for the District of New Jersey (Shirley U. Emehelu and Leslie Schartz, Assistant United States Attorneys, appearing), in the presence of Edmund DeNoia, Esq., on behalf of John Vazquez, Esq. and Michael Critchley, Sr., Esq., attorneys for defendant Edward M. De Sear, for an order revoking defendant De Sear's bail pursuant to Title 18, United States Code, Section 3145(a)(1), and for an order to detain defendant De Sear without bail pending trial in the above-entitled matter pursuant to Title 18, United States Code, Section 3142(e) (hereinafter, the "Detention Motion"), and the Court having conducted an initial appearance in this matter on August 23, 2012 and considered the Government's letter brief in support of its Detention Motion, the Court makes the following findings:

1. On August 21, 2012, a federal grand jury sitting in Newark returned an eight-count Indictment against defendant De Sear charging him with three counts of advertising child pornography, in violation of Title 18, United States Code,

Section 2251(d)(1)(A); four counts of distribution of child pornography, in violation of Title 18, United States Code, Section 2252A(a)(2)(A); and one count of possession of child pornography, in violation of Title 18, United States Code, Section 2252A(a)(5)(B). Pursuant to Title 18, United States Code, Section 3156(a)(4)(C), these offenses constitute "crime[s] of violence."

2. A federal grand jury has found probable cause to believe that the defendant committed offenses involving minor victims under Title 18, United States Code, Sections 2251 and 2252A(a)(2), namely, advertising and distribution of child pornography. Accordingly, pursuant to Title 18, United States Code, Section 3142(e)(3)(E), a statutory presumption arises "that no condition or combination of conditions will reasonably assure the appearance of the [defendant] as required and the safety of the community[.]" The defendant bears the burden of producing countervailing evidence that he is neither a flight risk nor a danger to the community.

3. Defendant De Sear, through his counsel, has consented to the revocation of his bail and to his detention.

4. In light of the foregoing, and having considered the factors set forth in Title 18, United States Code, Section 3142(g), the Court finds that no condition or combination of

conditions will reasonably assure the appearance of defendant De Sear as required and the safety of the community.

IT IS, therefore, on this 18 day of August, 2012,

ORDERED, pursuant to Title 18, United States Code, Section 3145(a)(1), that defendant De Sear's bail is hereby REVOKED; and it is further

ORDERED, pursuant to Title 18, United States Code, Section 3142, that defendant De Sear be committed to the custody of the Attorney General or his authorized representative pending trial; and it is further

ORDERED, pursuant to Title 18, United States Code, Section 3142(i), that defendant De Sear be confined in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal; and it is further

ORDERED, pursuant to Title 18, United States Code, Section 3142(i), that defendant De Sear be afforded reasonable opportunity for private consultations with counsel; and it is further

ORDERED, pursuant to Title 18, United States Code, Section 3142(i), that, upon order of this or any other court of the United States of competent jurisdiction or on request of an attorney for the United States, defendant De Sear shall be delivered to a United States Marshal for the purpose of

appearances in connection with court proceedings; and it is further

ORDERED that the motion of the United States for an order revoking defendant De Sear's bail and detaining defendant De Sear without bail pending trial is hereby GRANTED, and defendant De Sear is hereby ordered detained pending trial in the above-entitled matter.

A handwritten signature in black ink, appearing to read 'M. Cox Arleo', written over a horizontal line.

HONORABLE MADELINE COX ARLEO
United States Magistrate Judge